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09/916,325	07/30/2001	Moshe Weiner	Q64356	9182
<div>7590 04/01/2009 SUGHRUE, MION, ZINN, MACPEAK &amp; SEAS, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3213</div>				
EXAMINER				
BEAMER, TEMICA M				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/916,325

**Applicant(s)**

WEINER, MOSHE

**Examiner**

TEMICA M. BEAMER

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-18, 26-36-42, 44-50 is/are pending in the application.
- 4a) Of the above claim(s) 16-18 and 37-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-36, 40-42 and 44-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 26-36, 40, 41 and 44-50 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 26-36, 40, 41 and 44-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling, U.S. Patent No. 6,574,239 in view of Lee et al (Lee), U.S. Patent No. 6,049,539.

Regarding claims 26 and 40, Dowling discloses a method for managing a plurality of sessions comprising: initiating a first session in a first device connected to a data source; initiating a second session in the first device while the first data session is still running; stopping the first session in the first device; and continuing the first session in a session management server (col. 4, lines 14-26).

Dowling, however, fails to disclose wherein the session management server sends an acknowledgement to the data source indicating receipt of data of the first data session.

In a similar field of endeavor, Lee discloses an access system and method for providing interactive access to an information source through a networked distribution system.

Lee further discloses wherein a server sends an acknowledgement message to a data source upon receipt of data (col. 14, lines 13-30).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Dowling with the teachings of Lee for the purpose ensuring that the desired information has been received.

Regarding claims 27 and 41, Dowling as modified discloses the session management method of claim 26, further comprising resuming the first session in the first device at the point at which the first session was interrupted (col. 4, lines 14-26).

Regarding claim 28, Dowling as modified discloses the session management method of claim 26, wherein the first session and the second session are both data sessions (col. 10, lines 16-35).

Regarding claim 29, Dowling as modified discloses the session management method of claim 26, wherein the first session is a data session and the second session is a voice session (col. 6, lines 45-50).

Regarding claims 30-32, Dowling as modified discloses the session management method of claim 26, wherein the first device can be a cellular telephone, pda or personal computer (col. 1, lines 42-48).

Regarding claim 33, Dowling as modified discloses the session management method of claim 26, wherein the first and second sessions are initiated using at least one key (col. 7, lines 22-25).

Regarding claim 34, Dowling as modified discloses the session management method of claim 26, wherein the first session comprises downloading a data file (col. 7, lines 38-41).

Regarding claim 35, Dowling as modified discloses the session management method of claim 26, wherein the data source is the Internet (col. 13, lines 21-29).

Regarding claim 36, Dowling as modified discloses the session management method of claim 26, wherein the data source is a WAP gateway (col. 16, lines 42-45).

Regarding claim 44, Dowling as modified discloses the session management method of claim 26, wherein the first device initiates the first session via the session management server, and the first device initiates the second session via the session management server (col. 3, lines 55-63, col. 4, lines 14-26, col. 10, lines 46-56, col. 12, lines 49-53, col. 14, lines 45-61).

Regarding claim 45, Dowling as modified discloses the session management method of claim 26, wherein the session management server manages each session initiated by the first device (col. 3, lines 55-63, col. 10, lines 46-56, col. 12, lines 49-53, col. 14, lines 45-61).

Regarding claim 46, Dowling as modified discloses the session management method of claim 26, wherein the session management server performs a spoofing

function for the first device (col. 3, lines 55-63, col. 10, lines 46-56, col. 12, lines 49-53, col. 14, lines 45-61).

Regarding claim 47, Dowling as modified discloses the session management method of claim 26, wherein the session management server provides a service to the first device, the service corresponding to each session of the first device managed by the session management server (the service is read on the server providing connectivity to the application program) (col. 3, lines 55-63, col. 10, lines 46-56, col. 12, lines 49-53, col. 14, lines 45-61).

Regarding claim 48, Dowling as modified discloses the session management method of claim 47, wherein the service provided by the session management server is in addition to one or more services provided by the data source (the service is read on the server providing connectivity to the application program) (col. 3, lines 55-63, col. 10, lines 46-56, col. 12, lines 49-53, col. 14, lines 45-61).

Regarding claim 49, as modified Dowling discloses the session management method of claim 26, wherein the first device is continuously connected (i.e., maintained) to the session management server (col. 7, lines 41-35).

Regarding claim 50, as modified Dowling discloses the session management method of claim 26, wherein switching between the first session and the second session by the first device is performed in real time (col. 4, lines 15-28).

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TEMICA M. BEAMER whose telephone number is (571)272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Temica M. Beamer/  
Primary Examiner, Art Unit 2617